

CHAPTER NO. 412

SENATE BILL NO. 1663

By Harper

Substituted for: House Bill No. 1921

By Pruitt, Henri Brooks, Favors, Cooper, Marrero, Larry Turner, Miller, Brown, Langster, Moore

AN ACT to amend Tennessee Code Annotated, Title 36; Title 37 and Title 41.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-153, is amended by adding the following language as a new, appropriately designated subsection:

() Notwithstanding the provisions of any law to the contrary, any person, who is tried and adjudicated delinquent by a juvenile court, may subsequently petition the juvenile court for expunction of all court files and records. The court may order all or any portion of the requested expunction if, by clear and convincing evidence, the court finds that the petitioner:

(1) (A) Is currently eighteen (18) years of age or older;

(B) Is at least one (1) year removed from his or her most recent delinquency adjudication; and

(C) Has never been convicted of a criminal offense as an adult, has never been convicted of a criminal offense following transfer from juvenile court pursuant to § 37-1-134, and has never been convicted of a sexual offense as defined in § 40-39-102(5) whether in juvenile court, following transfer from juvenile court pursuant to § 37-1-134, or as an adult.

(2) Has maintained a consistent and exemplary pattern of responsible, productive and civic-minded conduct for one or more years immediately preceding the filing of the expunction petition; or


(3) The juvenile has made such an adjustment of circumstances that the court, in its discretion, believes that expungement serves the best interest of the child and the community.

Nothing in this subsection shall be construed to apply to any law enforcement records, files, fingerprints or photographs pertaining to any delinquency adjudication.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

PASSED: May 27, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of June 2005


PHIL BREDESEN, GOVERNOR